

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PHILIP MORRIS USA INC.,

Plaintiff,

v.

IVAN HOWARD, GEORGE ANDREWS, JAMES  
PARKER, KYLE WILLIAMS, ZEEV VICMAN  
and SMARTRADE LTD.,

Defendants.

No. 07 Civ. 8134 (DC)

**AFFIDAVIT OF SERVICE**

STATE OF CALIFORNIA        )  
                                      ) ss.:  
COUNTY OF SAN DIEGO     )

NAOMI B. SPECTOR, being duly sworn, deposes and says:

1. I am an attorney with the law firm of Heller Ehrman LLP, 4350 La Jolla Village Drive, San Diego, California 92122, attorneys for Plaintiff Philip Morris USA Inc. I am over the age of 18 years and not a party to this action.

2. On January 11, 2008, pursuant to the Order of the Honorable Denny Chin dated January 9, 2008 granting Philip Morris USA Inc.'s request for leave to serve process by e-mail on Defendants Ivan Howard, George Andrews, James Parker, Kyle Williams, Zeev Vicman and Smartrade Ltd. ("the January 9, 2008 Order"), a copy of which is attached as Exhibit A, I served a copy of the Summons, Complaint and accompanying exhibits, Civil Coversheet, Rule 7.1 Statement of Philip Morris USA Inc., USPTO Notice of Trademark action, and January 9, 2008 Order by electronic mail to the e-mail addresses: marketing@paylessmoke.com; domreg@imhosted.com; linkanatornol@yahoo.com; 123smoke.com@domainsbyproxy.com; ivan.howard@gmail.com; bm7@zahav.net.il; woland-band@yahoo.com; james@smartrade.info; zeevos@smartrade.info. I also served Defendants with copies of the following documents: the

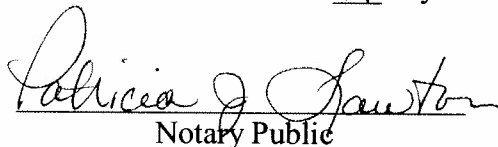
Notice of Reassignment of the case to the Honorable Denny Chin, the Individual Rules of the Honorable Denny Chin, the SDNY Instructions for Filing an Electronic Case, the SDNY Procedures for Electronic Case Filing and the SDNY Guidelines for Electronic Case Filing. Due to the large size of the attachments, I sent the transmission in three parts, with the first part containing the Summons and Complaint, the second part containing the exhibits to the Complaint and the third part containing the remaining documents. Copies of the e-mail transmissions sent to the Defendants, without the attachments, are attached as Exhibit B.

3. On January 13, 2008, I received e-mail transmission receipts indicating that all three parts of the service transmission had been received and opened at one or more e-mail addresses associated with each Defendant. Copies of the Read receipts are attached as Exhibit C.

4. In addition, I did not receive any notification of delivery problems or failures from the e-mail transmissions, except with respect to part 3 of the e-mail sent to james@smartrade.info and bm7@zahav.net.il. The Undeliverable receipts for these transmissions stated that the e-mail could not be delivered because the recipient's mailbox was full or the e-mail exceeded the size limits. Pursuant to delivery receipts, however, parts 1 and 2 of the e-mails sent to these addresses were transmitted. Copies of the delivery receipts for these e-mail addresses are attached as Exhibit D.

  
NAOMI B. SPECTOR

Sworn to before me this 24<sup>th</sup> day of January, 2008

  
Notary Public

